IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

MONDAY, THE 15TH JANUARY 2007 / 25TH PAUSHA 1928

WP(C).No. 8831 of 2006(B)

PETITIONER:

K.M.MANOHARAN,
KADAVIL HOUSE,
P.O.NANDIPULAM, THRISSUR DISTRICT.

BY ADV. SRI.P.RAVINDRAN

RESPONDENTS:

1. T.A.GOPI,
   THAIPARAMBIL HOUSE,
   P.O.KALLUR, THRISSUR.

2. THE REGIONAL TRANSPORT AUTHORITY,
   THRISSUR.

3. THE SECRETARY,
   RTA, THRISSUR.

4. THE DISTRICT TRANSPORT OFFICER,
   K.S.R.T.C., THRISSUR.

5. STATE TRANSPORT APPELLATE TRIBUNAL,
   ERNAKULAM.

R1 BY ADV. SRI.I.DINESH MENON
R4 SRI.T.RAVIKUMAR, SC, KSRTC
SHRI.JOHNSON P.JOHN, SC, KSRTC
R2,R3 & R5 BY GOVT.PLEADER SRI DEEPA K.R.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/01/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1 TRUE COPY OF THE PROCEEDINGS OF THE MEETING OF THE RTA HELD ON 29/12/2003.

EXT.P2 TRUE COPY OF THE APPEAL MEMORANDUM MVAA NO.463/2004 DTD. 29/5/2004.

EXT.P3 TRUE COPY OF THE JUDGMENT IN MVAA.NO.463/2004 DTD. 28/6/2004.

EXT.P4 TRUE COPY OF THE EXTRACT FROM THE PROCEEDINGS OF THE MEETING OF THE RTA HELD ON 13/1/2005.

EXT.P5 TRUE COPY OF THE APPEAL MEMORANDUM MVAA NO.155/05 DTD. 14/3/2005.

EXT.P6 TRUE COPY OF THE JUDGMENT IN MVAA.NO.155/2005 DTD. 31/5/2005.

P.R.RAMAN,J.

W.P.(C).NO.8831 OF 2006

Dated this the 15th day of January, 2007

JUDGMENT

Petitioner challenges Ext.P6 judgment rendered by the State Transport Appellate Tribunal, Ernakulam allowing the appeal filed by T.A. Gopi, the 1st respondent herein. The appeal was filed against the order rejecting the regular permit applied for on the ground that the current records of the vehicle have not been produced. The STAT found that though the position formerly was that ready vehicle must be available on the date of grant, subsequently in E.P. Alavikutty's case (2005 (1) KLJ 20) it has been held that the ready vehicle need not be there on the date of grant. There is no dispute regarding this legal position. Therefore, the Appellate

Authority allowed the appeal finding that such matters cannot he considered at the time of grant; but only at the time of issuance of permit pursuant to the grant.

2. The learned counsel for the lst respondent contended that this writ petition against Ext.P6 is not maintainable, as the petitioner has no locus standi and relied on the decision of the Full Bench of this Court in **Binu Chacko v. R.T.A., Pathanamthitta (2006 (2) KLT 172 (FB)).** According to the learned counsel for the petitioner, Ext.P3 judgment was rendered earlier, in the appeal filed by the lst respondent himself, granting permit as against his vehicle on the date of consideration. The appellate judgment is dated 28/6/2004. It is subsequently that this Court has considered the matter in E.P. Alavikutty's case (2005 (1) KLJ 20). As such

the Appellate Authority is justified in passing the impugned orders. The court only declares the legal position.

Hence, Writ Petition is dismissed.

P.R.RAMAN,
Judge.

kcv.